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PATENT

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Kathleen L. Tracy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/826,872

Attorney Docket: DP-309096

Filing Date: April 16, 2004

Applicant: Mostafa Abidi et al.

Group Art Unit: 3747

Examiner: NA

Title: EVAPORATED FUEL PROCESSING DEVICE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

Sir:

This is in reply to the Decision Refusing Status under 37 CFR 1.47(a) dismissing the Petition filed August 27, 2004.

The grounds for dismissal state that applicant failed to provide suitable proof that (item 1) the non-signing inventor cannot be reached or refuses to sign the oath or declaration, and (item 4) a statement regarding the last known address of the non-signing inventor.

With regard to item 1, enclosed is a Declaration by Ramon Martin, in which Mr. Martin attests that he mailed a copy of the specification and the declaration to Mostafa Abidi at his last known address, and that they were returned as undeliverable. The return notice states that Mr.

Abidi is no longer at the address.

In the Declaration, Mr. Martin also sets forth additional statements regarding an earlier attempt to obtain Mr. Abidi's signature by co-inventor Loevenbruck. Regardless of how the earlier attempt is viewed, there can be no doubt that Mr. Martin's unsuccessful attempt to deliver the application documents by mail complies with the patent rules and demonstrates that Mr. Abidi is unreachable. Under these circumstances, Applicant has no choice but to request to proceed without his signature.

With regard to item 4, as attested to in the attached Declaration of Mr. Martin, and set forth in the Declaration, Mr. Abidi's last known address is 9, rue Guido Oppenheim, L-2263 Luxembourg.

Accordingly, it is respectfully requested that the dismissal of Applicant's Petition filed August 30, 2004, be reconsidered, and that the Petition be granted.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.




Respectfully submitted,



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2 10/12/04 

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/826,872

Attorney Docket: DP-309096

Filing Date: 04/16/2004

Applicant: Mostafa Abidi et al.

Group Art Unit:

Examiner:

Title: EVAPORATED FUEL PROCESSING DEVICE

MS Fee/Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**DECLARATION IN SUPPORT OF PETITION FOR FILING APPLICATION WITHOUT
INVENTOR SIGNATURE UNDER 37 CFR 1.47(a)**

I, Ramon Martin, hereby declare and state:

1. I am employed by a company in Luxembourg that is an affiliate in Europe of the Delphi Corporation in the United States of America. My responsibilities include obtaining signatures of inventors on formal documents required for filing patent applications in the United States of America.
2. In April, 2004, I obtained execution of the Declaration in the subject application by inventors Christian Gerard Hillard and Remi B. Loevenbruck. At that time, I determined that the employment of Mostafa Abidi at Delphi affiliated companies had terminated. Also at that time, I was informed by Mr. Loevenbruck that Mr. Loevenbruck had contacted Mr. Abidi to obtain his execution of the Declaration, and that Mr. Abidi had refused to sign the Declaration, for reasons relating to the termination of his employment.
3. On October 22, 2004, I personally mailed to Mr. Abidi the following documents in a single envelope:
 - i) a copy of the specification and claims as filed in the United States Patent Office in the subject application,
 - ii) a duplicate Declaration identical to the Declaration that was executed by inventors Hillard and Loevenbruck, and filed in the subject application, and
 - iii) a letter requesting that Mr. Abidi sign and return the Declaration to me.

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Serial No. 10/826,872

Atty Docket DP-309096

The documents were mailed using the Luxembourg postal service to Mr. Abidi's last known address at 9, rue Guido Oppenheim, L-2263 Luxembourg.

4. The envelope with the documents in Section 3 was deemed undeliverable by the Luxembourg postal service and was returned to me on December 7, 2004. Attached is a copy of the envelope that shows the postmark of 22.10.04 (October 22, 2004); the last known address of Mr. Abidi; and the Retour (Return) notice. The return notice states, as the reason for return, "N'habite plus a l'adresse indiquee," which is translated, "Addressee does not live at the indicated address anymore."

5. Following the return of the envelope in Section 4, I conducted a search of the telephone directory for Luxembourg and did not find any listing for Mr. Abidi.

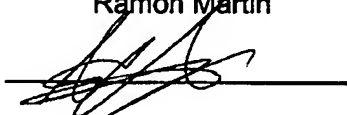
6. As a person signing below:

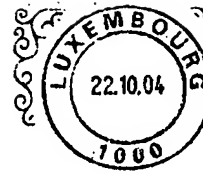
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name

Ramon Martin

Signature

Date 10-December-2004**BEST AVAILABLE COPY**



LUXEMBOURG



590

PB 5056 POSTES

RETOUR CN 15

- ☐ Refusé
☐ Non réclamé
☐ Parti
☐ Inconnu du facteur
☐ Décédé
☐ Adresse insuffisante/
 incorrecte
☒ N'habite/a-tout plus
 à l'adresse indiquée
☐ Pas de boîte à ce nom
☐ Date de retour:

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